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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,106	03/16/2004	Bran Ferren	1103-007-001-000000	3221
44765	7590	02/06/2008		
SEARETE LLC CLARENCE T. TEGREENE 1756 - 114TH AVE., S.E. SUITE 110 BELLEVUE, WA 98004			EXAMINER FRANKLIN, JAMARA ALZAIDA	
			ART UNIT 2876	PAPER NUMBER
			MAIL DATE 02/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

T14

Office Action Summary	Application No.		Applicant(s)	
	10/802,106		FERREN ET AL.	
	Examiner		Art Unit	
	Jamara A. Franklin		2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/26/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____. |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:3/04;7/04;9/04;3/05;11/06;1/07;2/07.

DETAILED ACTION

Acknowledgment is made of the preliminary amendment filed on 5/25/05. Claims 1-48 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-22, 27-41, 43, and 46-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallace et al. (US 3,860,796) (hereinafter referred as 'Wallace').

Wallace teaches

an item (plastic card) comprising

an outer part including at least one outer material that is substantially opaque to visible light (record member 3); and

an identifier including at least one three-dimensional configuration (indentations 7 and magnetic ink paste 9) corresponding to the identifier, the at least one three-dimensional configuration being embedded within the at least one outer material and including at least one of a substantially empty cavity in the at least one outer material (figure 2), or

at least one identifying material filling at least part of a cavity in the at least one outer material and wherein the at least one outer material in which the at least one identifying material fills at least part of the cavity is substantially opaque to visible light;

a method of making an item, the method comprising:

forming at least one portion of the item from at least one structural material; and

integrally with said forming the at least one portion, enclosing within the at least one structural material identifying information that identifies the item, the identifying information including at least one three-dimensional configuration including at least one of

a void substantially shaped as the at least one three-dimensional configuration, the void defined by the at least one structural material, or

an identifying material shaped as at least part of the at least one three-dimensional configuration, wherein the at least one structural material is substantially opaque to visible light;

the item and method wherein the identifier identifies the item uniquely;

the item and method wherein the at least one three-dimensional configuration is directly accessible by physically separating the at least one portion into at least two parts;

the item wherein the at least one three-dimensional configuration is directly accessible only by disassembling the item;

the item wherein the at least one identifying material emits identifying electromagnetic radiation when irradiated with specified electromagnetic radiation;

the item wherein the identifying material comprises a security tag;

the method wherein the void is substantially empty;

the method wherein the identifying information identifies the item uniquely by including a serial number that is unique to the item; and

the method wherein the structural material is substantially opaque to visible light.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 24-26, 42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace in view of Waldron et al. (US 5,296,691) (hereinafter referred to as 'Waldron').

The teachings of Wallace have been discussed above.

Wallace lacks the teaching of identifying the item as a member of a set of similar items.

Waldron teaches a method of identifying an item as a member of a set of similar items (col. 1, lines 12-13).

One of ordinary skill in the art would have readily recognized that providing the Wallace invention with the identification of an item as a member of a set of similar items would have been beneficial for allowing a set of similar items to be recognized amongst another set of similar items thereby helping to control and manage inventory. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Wallace with the aforementioned teaching of Waldron.

Conclusion

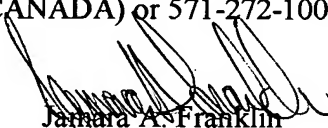
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Culp et al. (US 6,976,627) teach an identification of units in customized production.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571)272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jamara A. Franklin
Examiner
Art Unit 2876

JAF
February 01, 2008